

Claim 1 is amended hereunder to incorporate the limitations of Claim 3, which is canceled accordingly. Claim 2 is also canceled in view of the foregoing remarks.

The remaining claims are limited to a sanitary napkin having discontinuous lines of weakness comprising discrete sites. A sanitary napkin having lines of weakness formed by discrete sites has the advantages cited in Applicants' Specification (9:30-40) that the inflection point is more comfortable because the vertexing is minimized and the uncompressed areas between the discrete sites maintain absorbency. The prior art does not recognize the problems caused by continuous lines of weakness, and hence cannot suggest the solution provided by the claimed invention.

Prior art Buell teaches an absorbent article having hinges and which deforms to a convex upward configuration. Sneller teaches continuous embossed channels which "comprise densified or compressed regions" (19:1). The embossed channels are continuous and enhance controlled bunching of the sanitary napkin.

Glassman teaches a pad having "deep spaced apart channels and/or deep-spot depressions" (Abstract:8). The Glassman channels are continuous. Glassman does not teach making channels, or lines of weakness out of the spot depressions. The spot depressions are either confined to the central longitudinal ridge (3:63-64, Figs. 1, 5, and 7) or are dispersed in a broad diamond pattern which does not form a line of weakness (Figs. 3-4). The Glassman spots do not form a line of weakness. Nowhere does Glassman suggest the lines of weakness and spot depressions are interchangeable. Glassman merely shows both are present.¹

One skilled in the art would not be led by the teachings to modify the continuous Glassman channels to be made of spot embossments. None of the cited art provides motivation to make such a modification.

The Office Action further states the bilaterally staggered sites of Claim 18 are unpatentable over Figures 1-4, 6, and 8-9 of Glassman. While a multitude of possible lines could be drawn through the Glassman spots, the Glassman spots are spaced so that a discrete line of weakness is not formed. Glassman does not teach the claimed invention.

The Office Action further alleges particular claims as unpatentable because no criticality is disclosed in the Specification for the limitations imparted by such claims. Applicants respectfully request the Examiner cite where any of 35 U.S.C. §§101-03, 112 requires criticality for patentability to be achieved. These claims are patentable because the claims from which they depend are patentable.

¹ Glassman further shows the pad has both top and bottom surfaces. Does the Examiner allege these features are interchangeable? Both are present.

35 U.S.C. §112

Minor corrections to the Specification are made to overcome the objections under 35 U.S.C. §112. The inconsistencies noted by the Examiner are well placed. An inconsistency between pages 5, 7, and Figure 1 has been corrected by amendment to the Specification at page 5. Regarding Claim 8, the Examiner's attention is respectfully directed to Figures 4-6. Claim 6 and 9 are amended hereunder as suggested by the Examiner. Regarding Claim 9, a positive antecedent basis for the end is found in the preamble to Claim 1, from which Claim 9 depends. However, Claim 9 has been amended to recite a "transverse end" to insure there is no ambiguity in this regard. The Abstract is objected to because it included the reference character "T." Although not proscribed by the cited MPEP 608.01(b) this has been deleted.

The drawings are objected to as not showing the sanitary napkins of Claims 9 and 15. One skilled in the art would understand the sanitary napkin of these claims. Therefore, drawings are unnecessary under 37 C.F.R. 1.81. However, Applicants will cooperate with the Patent Office in this regard and provide drawings when allowable subject matter of these claims is indicated.

SUMMARY

The claims, as amended hereunder, require the lines of weakness to be discontinuous and comprise discrete sites. This provides the advantages, not found in the prior art, of absorbency and comfort. The prior art neither suggests lines of weakness formed by discrete sites nor suggests the same are interchangeable with continuous lines of weakness. At best, the prior art only teaches discrete sites may be employed in a patterned array, in addition to continuous lines of weakness. Given that the prior art neither recognizes the problem solved by the claimed invention, but instead is susceptible to the problem, the prior art cannot suggest the solution. The Examiner is respectfully requested to consider and allow all claims remaining in the application.

Respectfully submitted,

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